

ASSEMBLY BILL

No. 249

Introduced by Assembly Member Eng

February 1, 2007

An act to add Section 809.10 to, and to repeal Section 2220.7 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 249, as introduced, Eng. Licensees: healing arts: settlement agreements.

Existing law prohibits a physician and surgeon from including or permitting to be included specified provisions in a settlement agreement arising from his or her practice regardless of whether the agreement is made before or after filing the civil action. Under existing law, a physician and surgeon who violates this requirement is subject to disciplinary action by the Medical Board of California.

This bill would continue to impose that prohibition on physicians and surgeons and would additionally impose it on other healing arts practitioners and would also make them subject to disciplinary action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 809.10 is added to the Business and
- 2 Professions Code, to read:
- 3 809.10. (a) No person who is licensed, certified, or registered
- 4 by a board under this division, nor an entity or person acting as an
- 5 authorized agent of that person, shall include or permit to be

1 included any of the following provisions in an agreement to settle
2 a civil dispute, whether the agreement is made before or after the
3 commencement of a civil action:

4 (1) A provision that prohibits the other party in that dispute
5 from contacting or cooperating with the department or board.

6 (2) A provision that prohibits the other party in that dispute
7 from filing a complaint with the department or board.

8 (3) A provision that requires the other party in that dispute to
9 withdraw a complaint from the department or board. This type of
10 provision is void as against public policy.

11 (b) A licensed, certified, or registered person who violates this
12 section is subject to disciplinary action by the appropriate board.

13 SEC. 2. Section 2220.7 of the Business and Professions Code
14 is repealed.

15 ~~2220.7. (a) A physician and surgeon shall not include or permit~~
16 ~~to be included any of the following provisions in an agreement to~~
17 ~~settle a civil dispute arising from his or her practice, whether the~~
18 ~~agreement is made before or after filing the action:~~

19 ~~(1) A provision that prohibits another party to the dispute from~~
20 ~~contacting or cooperating with the board.~~

21 ~~(2) A provision that prohibits another party to the dispute from~~
22 ~~filing a complaint with the board.~~

23 ~~(3) A provision that requires another party to the dispute to~~
24 ~~withdraw a complaint he or she has filed with the board.~~

25 ~~(b) A provision described in subdivision (a) is void as against~~
26 ~~public policy.~~

27 ~~(c) A physician and surgeon who violates this section is subject~~
28 ~~to disciplinary action by the board.~~